

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2011

Introduced by Assembly Member Daly

February 20, 2014

An act to amend Section 11545 of, and to repeal Section 11548.5 of, the Government Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2011, as amended, Daly. Information technology procurement: off-the-shelf software.

Existing law ~~requires all contracts for the acquisition of information technology projects, as specified, to be made by or under the supervision of the Department of Technology.~~ *until January 1, 2015, establishes in state government the Department of Technology within the Government Operations supervised by the Director of Technology. Existing law requires the director, among other things, to advise the Governor on the strategic management and direction of the state's information technology resources, to establish and enforce state information technology strategic plans, policies, standards, and enterprise architecture, and to produce an annual information technology strategic plan to guide the acquisition, management, and use of information technology. Existing law provides that the department is responsible for the approval and oversight of information technology projects.*

~~This bill would state that it is the intent of the Legislature to prioritize the use of~~ *extend the operation of those provisions indefinitely. The bill would also require the department, on or before January 1, 2017, to submit a report to the Legislature on the effective use of commercial,*

off-the-shelf—software technology in information technology procurement.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 11545 of the Government Code is*
2 *amended to read:*

3 11545. (a) (1) There is in state government the Department
4 of Technology within the Government Operations Agency. The
5 Director of Technology shall be appointed by, and serve at the
6 pleasure of, the Governor, subject to Senate confirmation. The
7 Director of Technology shall supervise the Department of
8 Technology and report directly to the Governor on issues relating
9 to information technology.

10 (2) Unless the context clearly requires otherwise, whenever the
11 term “office of the State Chief Information Officer” or “California
12 Technology Agency” appears in any statute, regulation, or contract,
13 or any other code, it shall be construed to refer to the Department
14 of Technology, and whenever the term “State Chief Information
15 Officer” or “Secretary of California Technology” appears in any
16 statute, regulation, or contract, or any other code, it shall be
17 construed to refer to the Director of Technology.

18 (3) The Director of Technology shall be the State Chief
19 Information Officer.

20 (b) The duties of the Director of Technology shall include, but
21 are not limited to, all of the following:

22 (1) Advising the Governor on the strategic management and
23 direction of the state’s information technology resources.

24 (2) Establishing and enforcing state information technology
25 strategic plans, policies, standards, and enterprise architecture.
26 This shall include the periodic review and maintenance of the
27 information technology sections of the State Administrative
28 Manual, except for sections on information technology procurement
29 procedures, and information technology fiscal policy. The Director
30 of Technology shall consult with the Director of General Services,
31 the Director of Finance, and other relevant agencies concerning
32 policies and standards these agencies are responsible to issue as
33 they relate to information technology.

1 (3) Minimizing overlap, redundancy, and cost in state operations
2 by promoting the efficient and effective use of information
3 technology.

4 (4) Providing technology direction to agency and department
5 chief information officers to ensure the integration of statewide
6 technology initiatives, compliance with information technology
7 policies and standards, and the promotion of the alignment and
8 effective management of information technology services. Nothing
9 in this paragraph shall be deemed to limit the authority of a
10 constitutional officer, cabinet agency secretary, or department
11 director to establish programmatic priorities and business direction
12 to the respective agency or department chief information officer.

13 (5) Working to improve organizational maturity and capacity
14 in the effective management of information technology.

15 (6) Establishing performance management and improvement
16 processes to ensure state information technology systems and
17 services are efficient and effective.

18 (7) Approving, suspending, terminating, and reinstating
19 information technology projects.

20 (8) Performing enterprise information technology functions and
21 services, including, but not limited to, implementing Geographic
22 Information Systems (GIS), shared services, applications, and
23 program and project management activities in partnership with the
24 owning agency or department.

25 (c) The Director of Technology shall produce an annual
26 information technology strategic plan that shall guide the
27 acquisition, management, and use of information technology. State
28 agencies shall cooperate with the department in the development
29 of this plan, as required by the Director of Technology.

30 (1) Upon establishment of the information technology strategic
31 plan, the Director of Technology shall take all appropriate and
32 necessary steps to implement the plan, subject to any modifications
33 and adjustments deemed necessary and reasonable.

34 (2) The information technology strategic plan shall be submitted
35 to the Joint Legislative Budget Committee by January 15 of every
36 year.

37 (d) The Director of Technology shall produce an annual
38 information technology performance report that shall assess and
39 measure the state's progress toward enhancing information
40 technology human capital management; reducing and avoiding

1 costs and risks associated with the acquisition, development,
2 implementation, management, and operation of information
3 technology assets, infrastructure, and systems; improving energy
4 efficiency in the use of information technology assets; enhancing
5 the security, reliability, and quality of information technology
6 networks, services, and systems; and improving the information
7 technology procurement process. The department shall establish
8 those policies and procedures required to improve the performance
9 of the state's information technology program.

10 (1) The department shall submit an information technology
11 performance management framework to the Joint Legislative
12 Budget Committee by May 15, 2009, accompanied by the most
13 current baseline data for each performance measure or metric
14 contained in the framework. The information technology
15 performance management framework shall include the performance
16 measures and targets that the department will utilize to assess the
17 performance of, and measure the costs and risks avoided by, the
18 state's information technology program. The department shall
19 provide notice to the Joint Legislative Budget Committee within
20 30 days of making changes to the framework. This notice shall
21 include the rationale for changes in specific measures or metrics.

22 (2) State agencies shall take all necessary steps to achieve the
23 targets set forth by the department and shall report their progress
24 to the department on a quarterly basis.

25 (3) Notwithstanding Section 10231.5, the information
26 technology performance report shall be submitted to the Joint
27 Legislative Budget Committee by January 15 of every year. To
28 enhance transparency, the department shall post performance
29 targets and progress toward these targets on its public Internet Web
30 site.

31 (4) The department shall at least annually report to the Director
32 of Finance cost savings and avoidances achieved through
33 improvements to the way the state acquires, develops, implements,
34 manages, and operates state technology assets, infrastructure, and
35 systems. This report shall be submitted in a timeframe determined
36 by the Department of Finance and shall identify the actual savings
37 achieved by each office, department, and agency. Notwithstanding
38 Section 10231.5, the department shall also, within 30 days, submit
39 a copy of that report to the Joint Legislative Budget Committee,
40 the Senate Committee on Appropriations, the Senate Committee

1 on Budget and Fiscal Review, the Assembly Committee on
2 Appropriations, and the Assembly Committee on Budget.

3 (e) (1) *The department, on or before January 1, 2017, shall*
4 *submit a report to the Legislature on the effective use of*
5 *commercial, off-the-shelf technology in information technology*
6 *procurement.*

7 (2) *The report shall be submitted in compliance with Section*
8 *9795 of the Government Code.*

9 (3) *This subdivision shall become inoperative on January 1,*
10 *2019, pursuant to Section 10231.5 of the Government Code.*

11 (e)

12 (f) If the Governor's Reorganization Plan No. 2 of 2012 becomes
13 effective, this section shall prevail over Section 186 of the
14 Governor's Reorganization Plan No. 2 of 2012, regardless of the
15 dates on which this section and that plan take effect, and this
16 section shall become operative on July 1, 2013.

17 SEC. 2. *Section 11548.5 of the Government Code is repealed.*

18 ~~11548.5. This chapter shall remain in effect only until January~~
19 ~~1, 2015, and as of that date is repealed, unless a later enacted~~
20 ~~statute, that is enacted before January 1, 2015, deletes or extends~~
21 ~~that date.~~

22 SECTION 1. ~~It is the intent of the Legislature to prioritize the~~
23 ~~use of off-the-shelf software in information technology~~
24 ~~procurement.~~